

REMARKS

In the Official Action of August 22, 2005, made final, the Examiner states that claims 3, 4, 17-25 and 34-37 are drawn to a nonelected invention, and should therefore be canceled. In accordance with the Examiner's suggestions, and to advance the prosecution of this application, these claims have now been canceled.

The specification has been objected to as failing to provide proper antecedent support for the claimed subject matter. In particular, the Examiner states that the term "fully-extended" is not supported by the original specification.

The expression "fully-extended" has now been deleted from the claims in order to further clarify the meaning of the claims and to advance the prosecution of this application.

Accordingly, applicant respectfully submits that this objection has now been obviated.

Claims 1, 2, 5-10, 13, 26, 28, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by the Suekane patent (US Patent No. 5,628,738). This ground of rejection is respectfully traversed.

The Examiner speculates that the side seam portion of the absorbent article described in Suekane is curved when the first and second side portions of the article are in a fully extended condition. However, as clearly shown in Figures 1 and 2 of the reference (particularly Figure 2), the side seams of Suekane are straight, not curved. Contrast this with Figures 2 and 3 of the present application which clearly depict curved side seams. As explained in detail in the present specification, the advantage of using curved side seams is to provide a more comfortable and even fit for the user. Consequently, the articles of the present invention have both structural and functional differences as compared to the structures described in the reference. The claims have been amended in order to highlight this distinction.

Applicant submits that the intended uses of the articles are no longer relevant in view of the present claim amendments. Such intended uses include completely speculative uses, such as the shape of the side seam resulting from pulling the seams outward as stated in the Official Action.

Claims 11-12, 14-16, 27, 29-31 stand rejected under 35 U.S.C. 103(a) as being obvious over Suekane. This ground of rejection is respectfully traversed.

The Examiner states that it would have been obvious for one skilled in the art to modify the seam angles in order to reach optimal conditions as disclosed in the claims. However, since, as pointed out above, the Suekane reference is directed to straight side seams and not curved side seams, one skilled in the art would have no basis for performing the proposed optimization as contended by the Examiner.

In view of the aforementioned facts and reasons, the present application is now believed to overcome the remaining rejections in this application, and to be in proper condition for allowance. Applicant submits that the above-identified amendments only serve to further clarify the claimed invention, and do not raise any additional issues or require any further consideration on the part of the Examiner at this time. Accordingly, entry of the foregoing amendment, and reconsideration and withdrawal of the rejection, is respectfully solicited. The Examiner is invited to contact the undersigned at the telephone number listed below to discuss any matter pertaining to the status of this application.

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Respectfully submitted,

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